

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE

8-16-2024

Ester Moore,  
Plaintiff,  
3108 Mensi St,  
Memphis, TN 38127  
Phone: 901-825-5441  
Email: esterbmoore@gmail.com

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AUG 22 2024

Wendy R Oliver, Clerk  
U.S. District Court  
W.D. OF TN, Memphis

v.

Shelby County Government,  
Wanda Halbert, Shelby County Clerk,  
Bobby Grandberry, Deputy Administrator and Facility Manager,  
Edward Bowden, Human Resources Administrator,  
Defendants,  
150 Washington Ave,  
Memphis, TN 38103  
Phone: 901-222-3000

Case No.: [To be assigned]

COMPLAINT

I. INTRODUCTION

1. This is a civil action seeking damages for personal injury caused by the defendants' negligence, failure to provide reasonable accommodation, and creation of an unsafe and hostile work environment.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. § 1331 as the case involves federal questions arising under the Occupational Safety and Health Act and Title VII of the Civil Rights Act of 1964.
3. Venue is proper in this district under 28 U.S.C. § 1391(b) because the events giving rise to the claims occurred in this district.

III. PARTIES

4. Plaintiff, Ester Moore, is an individual residing at 3108 Mensi St, Memphis, TN 38127.
5. Defendant, Shelby County Government, is a governmental entity located at 150 Washington Ave, Memphis, TN 38103.
6. Defendant, Wanda Halbert, is the Shelby County Clerk, responsible for the operations of her office located at 150 Washington Ave, Memphis, TN 38103.
7. Defendant, Bobby Grandberry, the Deputy Administrator and Facility Manager, is responsible for maintaining a safe workplace located at 150 Washington Ave, Memphis, TN 38103.
8. Defendant, Edward Bowden, the Human Resources Manager, is responsible for addressing employee health and safety concerns for employees of the Shelby County Clerk's office located at 150 Washington Ave, Memphis, TN 38103 .

#### IV. FACTUAL ALLEGATIONS

9. Plaintiff notified the defendants, in person, in May 2023 of her allergy to pork grease and its smell.
10. Plaintiff notified the defendants, via email, in August 2023 of her allergy to pork grease and its smell. And that it was also offensive to me religiously. (See Exhibit A - Email to the executive team)
11. On October 20, 2023, pork was cooked in an unsafe manner at Plaintiff's workplace, causing her to become extremely ill, requiring medical attention, and resulting in ongoing health issues, depression and emotional distress. (See Exhibit B – doctor's notes)
12. Defendants' actions and/or inactions resulted in the spread of pork grease throughout the building, creating an unsafe, hazardous and hostile work environment.
13. Defendants failed to provide reasonable accommodation and neglected their duties to maintain a safe workplace.
14. Defendant Wanda Halbert, despite being notified in person and via email, failed to take corrective action, contributing to the unsafe conditions and a hostile work environment.
15. Defendant Edward Bowden failed to address Plaintiff's medical allergy, neglecting his duty to ensure a safe work environment and not providing reasonable accommodation.
16. Defendant Bobby Grandberry permitted cooking in an unvented space, exacerbating the unsafe conditions and creating a hostile work environment.

#### V. CLAIMS FOR RELIEF

17. Count I: Negligent Infliction of Emotional Distress  
Defendants' negligence directly caused Plaintiff's injuries, emotional distress and suffering.
18. Count II: Violation of Occupational Safety and Health Act  
Defendants failed to maintain a workplace free of known health hazards.
19. Count III: Violation of Title VII of the Civil Rights Act of 1964  
Defendants created a hostile work environment by failing to accommodate Plaintiff's medical needs.

#### VI. PRAYER FOR RELIEF

Plaintiff requests the following relief:

- Actual Damages:  
\$50,000 for one year of missed wages  
\$150 for incurred medical bills, treatment, and medicine
- Punitive Damages:  
\$1,000,000, or the maximum allowed by law, for pain & suffering, financial hardship and time away from family

#### VII. JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,

  
Ester B. Moore

3108 Mensi St

Memphis, TN 38127

901-825-5441

esterbmoore@gmail.com